

In the Drawings:

Please amend the figures as follows:

In FIG. 1, please add reference numbers 101 and 103, and move reference number 102 as indicated in the attached drawing.

REMARKSAmendments to the Claims

Claims 11, 23, 34, 46, 57, and 69 have been amended to include the limitations of a skin layer having a top surface, a bottom surface, a first end, and a second end opposite the first end, wherein the top surface of the skin layer is continuous and flat from the first end to the second end.

Information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter. MPEP 2163.06.

Support for the added subject matter is found in FIGS. 1, 3, 4, 6, 9 and 10 of the application as originally filed which clearly show that the top surface of the skin layer is continuous and flat from a first end of the skin layer to a second end of the skin layer opposite the first end. For example, in FIG. 1, the top surface 102 of skin layer 104 is clearly continuous and flat from the left end (first end) of skin layer 104 all the way to the right end (second end) of skin layer 104. There are no interruptions or protrusions in top surface 102 and top surface 102 is not defined by a collection of several separated surfaces.

Furthermore, whether the ends of skin layer 104 are referred to as left, right, front, or back, the application as filed clearly contains a skin layer having a first end and a second end opposite the first end.

Therefore, Applicant respectfully submits that no new matter has been introduced by the amendments to the claims and that Claims 11, 23, 34, 46, 57, and 69 are currently in condition for allowance.

Amendments to the Drawings

FIG. 1 has been amended in order to make it consistent with the claims. Applicant has merely added reference numerals to the ends of skin layer 104. The ends were already disclosed in the figure as originally filed.

Applicant respectfully submits that no new matter has been introduced by the amendments to the drawings and that they are currently in condition for allowance.

Amendments to the Specification

The specification has been amended in order to make it consistent with the drawings and the claims.

For the same reasons as stated above with respect to the amendments to the claims and the amendments to the drawings, Applicant respectfully submits that no new matter has been introduced by the amendments to the specification and that it is currently in condition for allowance.

Claim Rejections – 35 U.S.C. §102(e)

Claims 11, 34 and 57 stand rejected under 35 U.S.C. §102(e), as being anticipated by Kobe et al. (US 6,610,382 B1). Applicant respectfully disagrees with Examiner's contentions.

Directing Examiner's attention to MPEP 2131, the threshold issue under Section 102 is whether the Examiner has established a *prima facie* case for anticipation. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)". "The identical invention must be shown in as complete detail as is contained in

the ...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1566 (Fed. Cir. 1989).

Amended Claim 11 recites a grip comprising “a skin layer having a top surface, a bottom surface, a first end, and a second end opposite said first end, wherein said top surface is continuous and flat from said first end to said second end;”

Kobe does not disclose a grip comprising a skin layer having a top surface that is continuous and flat from the first end of the skin layer to the second end of the skin layer, as recited in Claim 11. Instead, Kobe teaches a skin layer having a top surface with upstanding stems, stating, “The article 20 includes a backing layer 21 having a first surface 24 with an array of upstanding stems 26.” (Col. 3, lines 40-42). Although Examiner asserts that the top surface in Kobe is the plane within which lie the tops of elements 26, and that this surface is flat, FIG. 1 clearly shows that the top surface in Kobe is defined not only by the top of elements 26, but first surface 24 as well. For Examiner’s convenience, Applicant has attached a copy of FIG. 1 to help illustrate this point. The tops of stems 26 alone do not constitute a continuous top surface from the first end of the skin layer to the second end of the skin layer since there are clearly gaps in between each stem 26. The top surface in Kobe (highlighted in yellow) would have to include first surface 24, otherwise the portions of layer 21 in between stems 26 (noted in red) would have no top surface, which is not possible.

Since the top surface of the skin layer in Kobe must include first surface 24, the top surface of Kobe’s skin layer 21 is clearly not continuous and flat from the skin layer’s first end to the skin layer’s second end. Going along surface 24, once you reach stem 26, the surface ceases to be flat. The clear difference in height between surface 24 and the top of stems 26 is evidence that the top surface of Kobe’s skin layer is not flat.

Applicant respectfully submits that Kobe fails to teach each and every element of Claim 11 of the present invention. Therefore, Applicant respectfully submits that Claim 11 is currently in condition for allowance. Reconsideration and withdrawal of this rejection is respectfully requested.

The same arguments made for Claim 11 above are applicable to the patentability of Claims 34 and 57 as well. Applicant respectfully submits that Kobe fails to teach each and every element of Claims 34 and 57. Therefore, Applicant respectfully submits that Claims 34 and 57 are currently in condition for allowance. Reconsideration and withdrawal of these rejections is respectfully requested.

Claim Rejections – 35 U.S.C. §103(a)

Claims 23, 46 and 69 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Kobe. Applicant respectfully disagrees with Examiner's contentions.

For a §103 obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d 1016, 1023 (Fed. Cir. 1996).

The same arguments made for Claim 11 above are applicable to the patentability of Claims 23, 46 and 69 as well. Applicant respectfully submits that Kobe fails to teach each and every element of Claims 23, 46 and 69.

Furthermore, there is no suggestion or incentive that would motivate one skilled in the art to modify Kobe by eliminating the upstanding stems 26 in order to achieve a continuous and flat top surface, as recited in Claims 23, 46 and 69. Kobe states, “the stems need to be substantially upstanding to optimize the performance of the slip control article.” (Col. 9, lines 11-13). Given the importance that Kobe places on the upstanding stems, one would not be motivated to eliminate such a crucial element of the invention. Therefore, it would not be obvious to one skilled in the art to modify Kobe in order to achieve the continuous and flat top surface of the present invention.

Applicant respectfully submits that Claims 23, 46 and 69 are currently in condition for allowance. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 74-79 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Kobe in view of Oseroff et al. (U.S. Patent No. 3,848,480).

Since Claims 74, 75, 76, 77, 78, and 79 depend from independent Claims 11, 23, 34, 46, 57, and 69 respectively, they are also patentable as they contain the same limitations as their respective parent claims.

Applicant respectfully submits that Claims 74-79 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

If the Examiner has any questions regarding this application, the Examiner may telephone the undersigned at 775-586-9500.

Respectfully submitted,
SIERRA PATENT GROUP, LTD.

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A handwritten signature in black ink, appearing to read 'Timothy A. Brisson', with a long horizontal flourish extending to the right.

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Kobe et al. (US 6,610,382 B1)

FIG. 1

